

# SENATE JOURNAL

OF THE

## IDAHO LEGISLATURE

FIRST REGULAR SESSION  
FIFTY-NINTH LEGISLATURE

FIFTY-FOURTH LEGISLATIVE DAY  
FRIDAY, MARCH 2, 2007

Senate Chamber

President Risch called the Senate to order at 9:30 a.m.

Roll call showed all members present except Senators Coiner, absent and formally excused by the Chair; and Senators Bastian, Cameron, Darrington, and Gannon, absent and excused.

Prayer was offered by Chaplain Goebel.

The Pledge of Allegiance was led by John Tobiasson, Page.

The Senate advanced to the Third Order of Business.

### Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 1, 2007, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

### Reports of Standing Committees

Senators Bastian, Cameron, and Darrington were recorded present at this order of business.

March 2, 2007

The JUDICIARY AND RULES Committee reports that **S 1183**, **S 1184**, **S 1185**, and **SJM 107** have been correctly printed.

DARRINGTON, Chairman

**S 1183** was referred to the Education Committee.

**S 1184** was referred to the Health and Welfare Committee.

**S 1185** was referred to the Judiciary and Rules Committee.

**SJM 107** was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 1, 2007

The JUDICIARY AND RULES Committee reports that **S 1126**, as amended, **S 1088**, as amended, **S 1128**, as amended, **S 1079**, as amended, as amended, **S 1152**, as amended, **S 1156**, as amended have been correctly engrossed.

DARRINGTON, Chairman

**S 1126**, as amended, **S 1088**, as amended, **S 1128**, as amended, **S 1079**, as amended, as amended, **S 1152**, as amended and **S 1156**, as amended were filed for first reading.

March 1, 2007

The JUDICIARY AND RULES Committee reports that Senate amendments to **S 1126**, **S 1088**, **H 79**, **S 1128**, **S 1079**, as amended, **S 1152**, **S 1156**, and **H 85** have been correctly printed.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

February 27, 2007

The STATE AFFAIRS Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

C. Kelly Pearce as Administrator of the Division of Building Safety, term to expire at the pleasure of the Governor.

McKENZIE, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 1, 2007

The TRANSPORTATION Committee reports out **S 1131** and **H 117** with the recommendation that they do pass.

McGEE, Chairman

**S 1131** and **H 117** were filed for second reading.

March 1, 2007

The COMMERCE AND HUMAN RESOURCES Committee reports out **S 1125**, **H 28**, and **H 100** with the recommendation that they do pass.

ANDREASON, Chairman

**S 1125**, **H 28**, and **H 100** were filed for second reading.

March 1, 2007

The COMMERCE AND HUMAN RESOURCES Committee reports out **H 5** with the recommendation that it do pass and with the recommendation that it be placed on the Consent Calendar.

ANDREASON, Chairman

**H 5** was filed for second reading.

March 2, 2007

The LOCAL GOVERNMENT AND TAXATION Committee reports out **H 190** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

HILL, Chairman

There being no objection, **H 190** was referred to the Fourteenth Order of Business, General Calendar.

The Senate advanced to the Eighth Order of Business.

#### Messages from the Governor

Senator Gannon was recorded present at this order of business.

March 1, 2007

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Travis J. Beck of Idaho Falls, Idaho, was appointed as a member of the Commission for the Blind and Visually Impaired to serve a term commencing February 1, 2007, and expiring July 1, 2007.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*  
/s/ C. L. 'Butch' Otter  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Health and Welfare Committee.

The Senate advanced to the Ninth Order of Business.

#### Messages from the House

March 1, 2007

Mr. President:

I transmit herewith **H 140, H 202, H 234, H 235, H 236, H 238, H 215, H 216, H 204, H 229, HCR 20, HCR 21, HCR 19, and H 159** which have passed the House.

JUKER, Chief Clerk

**H 140, H 202, H 234, H 235, H 236, H 238, H 215, H 216, H 204, H 229, HCR 20, HCR 21, HCR 19, and H 159** were filed for first reading.

March 1, 2007

Mr. President:

I transmit herewith Enrolled **HCR 11** for the signature of the President.

JUKER, Chief Clerk

The President signed Enrolled **HCR 11** and ordered it returned to the House.

The Senate advanced to the Tenth Order of Business.

#### Motions and Resolutions

The President announced the Resources and Environment Committee report relative to the Gubernatorial appointment of C. Jerry Russell was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Darrington, seconded by Senator Burkett, the Gubernatorial appointment of C. Jerry Russell as Director of the Idaho State Police was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced that **SCR 117** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by President Pro Tempore Geddes, seconded by Senator Stennett, **SCR 117** was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

The President announced that **HCR 10** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Goedde, seconded by Senator Burkett, **HCR 10** was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

The Senate advanced to the Eleventh Order of Business.

#### Introduction, First Reading and Reference of Bills, House Petitions, Resolutions, and Memorials

**S 1186**

**BY FINANCE COMMITTEE**

AN ACT

RELATING TO THE APPROPRIATION FOR THE DEPARTMENT OF HEALTH AND WELFARE; AMENDING SECTION 1, CHAPTER 376, LAWS OF 2006, TO REVISE THE

APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR MEDICAL ASSISTANCE SERVICES FOR FISCAL YEAR 2007; AMENDING CHAPTER 376, LAWS OF 2006, BY THE ADDITION OF A NEW SECTION 10, CHAPTER 376, LAWS OF 2006, TO PROVIDE LEGISLATIVE INTENT TO ALLOW THE DEPARTMENT OF HEALTH AND WELFARE TO TRANSFER FUNDS BETWEEN BUDGETED PROGRAMS IN THE MEDICAL ASSISTANCE SERVICES DIVISION; AND DECLARING AN EMERGENCY.

**S 1187**

**BY FINANCE COMMITTEE**

**AN ACT**

APPROPRIATING ADDITIONAL MONEYS TO THE OFFICE OF THE STATE BOARD OF EDUCATION FOR FISCAL YEAR 2007; AND DECLARING AN EMERGENCY.

**S 1188**

**BY FINANCE COMMITTEE**

**AN ACT**

APPROPRIATING MONEYS TO THE DEPARTMENT OF LANDS FOR FISCAL YEAR 2008; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; DIRECTING THE DISTRIBUTION OF THE FUNDING FOR EMPLOYEE COMPENSATION; AND DIRECTING THE ALLOCATION OF SALARY SAVINGS.

**S 1186, S 1187, and S 1188** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

**H 79**, as amended in the Senate, by Revenue and Taxation Committee, was read the first time at length and filed for second reading.

**H 85**, as amended in the Senate, by Resources and Conservation Committee, was read the first time at length and filed for second reading.

**S 1126**, as amended, by Judiciary and Rules Committee, was read the first time at length and filed for second reading.

**S 1088**, as amended, by Education Committee, was read the first time at length and filed for second reading.

**S 1128**, as amended, by Resources and Environment Committee, was read the first time at length and filed for second reading.

**S 1079**, as amended, as amended, by Education Committee, was read the first time at length and filed for second reading.

**S 1152**, as amended, by Judiciary and Rules Committee, was read the first time at length and filed for second reading.

**S 1156**, as amended, by State Affairs Committee, was read the first time at length and filed for second reading.

**H 140**, by Business Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

**H 202**, by Education Committee, was introduced, read the first time at length, and referred to the Education Committee.

**H 234, H 235, and H 236**, by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

**H 238**, by State Affairs Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

**H 215 and H 216**, by Revenue and Taxation Committee, were introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

**H 204**, by State Affairs Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

**H 229**, by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

**HCR 20, HCR 21, and HCR 19**, by Education Committee, were introduced, read at length, and referred to the Health and Welfare Committee.

**H 159**, by Health and Welfare Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

The Senate advanced to the Twelfth Order of Business.

**Second Reading of Bills**

**H 221**, by Appropriations Committee, was read the second time at length and filed for third reading.

**H 27**, by Resources and Conservation Committee, was read the second time at length and filed for third reading.

**S 1153, S 1170, and S 1175**, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

**S 1147**, by Health and Welfare Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

**Third Reading of Bills**

The President called President Pro Tempore Geddes to the Chair.

**S 1095**, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Burkett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 34.

NAYS--None.

Absent and excused--Coiner. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **S 1095** passed, title was approved, and the bill ordered transmitted to the House.

Senator Coiner was recorded present at this order of business

**S 1123**, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bastian, Burkett, Darrington, Davis, Fulcher, Gannon, Geddes, Hill, Jorgenson, Keough, Langhorst, Lodge, Malepeai, McGee, McKague, McKenzie, Schroeder, Stennett. Total - 19.

NAYS--Bair, Bilyeu, Broadsword, Cameron, Coiner, Corder, Goedde, Hammond, Heinrich, Kelly, Little, Richardson, Siddoway, Stegner, Werk. Total - 15.

Absent and excused--Pearce. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **S 1123**, as amended, passed, title was approved, and the bill ordered transmitted to the House.

The President returned to the Chair.

**S 1089**, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKague, Pearce, Richardson, Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 34.

NAYS--None.

Absent and excused--McKenzie. Total - 1.

Total - 35.

Whereupon the President declared **S 1089**, as amended, passed, title was approved, and the bill ordered transmitted to the House.

**S 1119** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hammond arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk. Total - 31.

NAYS--Bair, Darrington, Davis, Siddoway. Total - 4.

Total - 35.

Whereupon the President declared **S 1119** passed, title was approved, and the bill ordered transmitted to the House.

**S 1130** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McGee arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 35.

Whereupon the President declared **S 1130** passed, title was approved, and the bill ordered transmitted to the House.

**S 1133** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hammond arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 35.

Whereupon the President declared **S 1133** passed, title was approved, and the bill ordered transmitted to the House.

**S 1134** was read the third time at length, section by section, and placed before the Senate for final consideration. President Pro Tempore Geddes arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 35.

Whereupon the President declared **S 1134** passed, title was approved, and the bill ordered transmitted to the House.

**H 20**, as amended in the Senate, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Burkett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 35.

Whereupon the President declared **H 20**, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

**H 78** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Schroeder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Gannon, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Langhorst, Lodge, Malepeai, McGee, McKague, McKenzie, Richardson, Schroeder, Siddoway, Stennett, Werk. Total - 28.

NAYS--Davis, Fulcher, Geddes, Keough, Little, Pearce, Stegner. Total - 7.

Total - 35.

Whereupon the President declared **H 78** passed, title was approved, and the bill ordered returned to the House.

**H 141** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Langhorst arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson,

Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 35.

Whereupon the President declared **H 141** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar, followed by House bills amended in the Senate, followed by House bills.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

### Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 11:25 a.m. until the hour of 10 a.m., Monday, March 5, 2007.

JAMES E. RISCH, President

Attest: RUSTI HORTON, Assistant Secretary